

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)  
WITHOUT FILING DEED AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION

Assistant Commissioner for Patents  
Washington, DC 20231

Atty. Dkt. 3926-3

Sir:

Date: December 14, 2001

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

**APPARATUS AND METHOD FOR THE COMPLETE CHARACTERIZATION OF OPTICAL DEVICES  
INCLUDING LOSS, BIREFRINGENCE AND DISPERSION EFFECTS**

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

Newly executed Declaration,  Copy of Declaration from prior application,  Abstract

47 pages of specification and claims (including 47 numbered claims), and

8 sheets of accompanying drawing/s.

Record the attached assignment and return to the undersigned.

Attached is a Power of Attorney.

Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number	Country	Day/Month/Year Filed
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12/14/01  
U.S.

PTO, respectively, the entire content of which is hereby incorporated by reference in this application..

Certified copy(ies) of foreign application(s) is/are attached.

Certified copy(ies) filed on \_\_\_\_\_ in prior application no. \_\_\_\_\_ filed \_\_\_\_\_  
 Please amend the specification by inserting the following paragraph before the first line: --This application claims the benefit of Provisional Application No. 60/255,077, filed 14 December 2000, the entire content of which is hereby incorporated by reference in this application.--

Please amend the specification by inserting the following paragraph before the first line: --This application is a  continuation/ division/ continuation-in-part of Application No. \_\_\_\_\_, filed \_\_\_\_\_, the entire content of which is hereby incorporated by reference in this application.--

Petition filed in prior application to extend its life to insure co-pendency.

The prior application is assigned to Luna Technologies.

It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.

Applicant claims "small entity" status.  "Small entity" statement attached.

Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

Also attached:  Information Disclosure Statement;  Non-Publication Request;  Nucleotide and/or Amino Acid Sequence Submission;  Statement deleting Inventor(s) named in prior application;  Other:

1.	Inventor:	Mark (first)	E. MI	FROGGATT (last)	US (citizenship)
	Residence: (city)	Blacksburg		(state/country)	Virginia
	Mailing Address:	1912 Lacy Lane, Blacksburg, Virginia			
	(Zip Code)	24060			

Address all future communications to NIXON & VANDERHYE P.C., 1100 North Glebe Road, 8<sup>th</sup> Floor, Arlington, VA 22201.

1100 North Glebe Road, 8<sup>th</sup> Floor

Arlington, Virginia 22201-4714

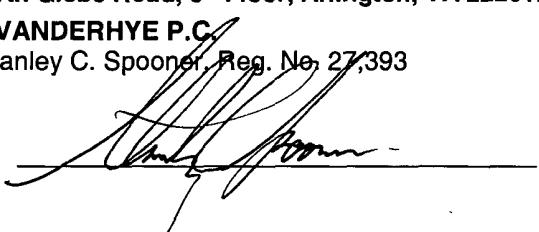
Telephone: (703) 816-4000

Facsimile: (703) 816-4100

SCS:mm

NIXON & VANDERHYE P.C.

By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

FROGGATT

Atty. Ref.: 3926-3

Serial No. (unassigned)

Group:

Filed: December 13, 2001

Examiner:

For: APPARATUS AND METHOD FOR THE COMPLETE  
CHARACTERIZATION OF OPTICAL DEVICES INCLUDING  
LOSS, BIREFRINGENCE AND DISPERSION EFFECTS

\* \* \* \* \*

December 14, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

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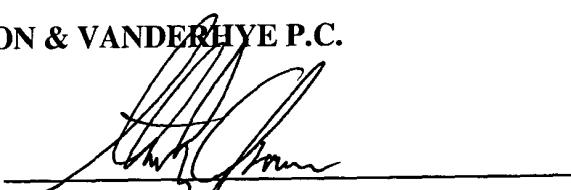
**NON-PUBLICATION REQUEST**

It is respectfully requested that this application NOT be published under 35 U.S.C. 122(b).

I hereby certify that the invention disclosed in the subject application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Stanley C. Spooner  
Reg. No. 27,393

SCS:kmm

1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100